

SENATE BILL 3523
By Black

AN ACT to amend Tennessee Code Annotated, Section
36-1-113, relative to termination of parental rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-113, is amended by deleting subsection (q) and substituting instead the following:

(q) After the entry of the order terminating parental rights, no party to the proceeding, nor anyone claiming under such party, may later question the validity of the termination proceeding by reason of any defect or irregularity therein, jurisdictional or otherwise, but shall be fully bound thereby, except based upon a timely appeal of the termination order as may be allowed by law; and in no event, for any reason, shall a termination of parental rights be overturned by any court or collaterally attacked by any person or entity after one (1) year from the date of the entry of the final order of termination. This provision is intended as a statute of repose so that, unless an order of termination by a trial court has not been overturned within one (1) year immediately succeeding the date the trial court's order of termination is filed, no court, appellate or otherwise, shall have subject matter jurisdiction, thereafter, to overturn such order of termination.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.